

**UNITED STATES DEPARTMENT OF COMMERCE****Patent and Trademark Office**Address: COMMISSIONER OF PATENTS AND TRADEMARKS
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/653,425	05/24/96	MURESAN	D

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E6M1/0310

EXAMINER

KIM, J

ART UNIT	PAPER NUMBER
2609	2

DATE MAILED: 03/10/97

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No. 08/653,425	Applicant(s) MURESAN ET AL
Examiner Juliana Kim	Group Art Unit 2609



Responsive to communication(s) filed on May 24, 1996

This action is **FINAL**.

Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

Claim(s) 1 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

Claim(s) _____ is/are allowed.

Claim(s) 1 is/are rejected.

Claim(s) _____ is/are objected to.

Claims _____ are subject to restriction or election requirement.

Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The drawing(s) filed on _____ is/are objected to by the Examiner.

The proposed drawing correction, filed on _____ is approved disapproved.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All Some* None of the CERTIFIED copies of the priority documents have been received.

received in Application No. (Series Code/Serial Number) _____.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

Notice of References Cited, PTO-892

Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

Interview Summary, PTO-413

Notice of Draftsperson's Patent Drawing Review, PTO-948

Notice of Informal Patent Application, PTO-152

... SEE OFFICE ACTION ON THE FOLLOWING PAGES ...

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DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

2. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Toyoda et al.

Toyoda et al discloses an input device comprising a magnet (49) which attracts a rubber magnetic core ball (8) against the X and Y coordinate shafts (20X and 20Y). Note column 11, lines 13-20. Toyoda et al, however, does not mention that the input device is a mouse. But it would have been obvious to one of ordinary skill in the art to employ the feature of using magnet and magnetic core ball in a mouse because Toyoda et al admits that it is conventional for a mouse

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to employ a rotatably supported ball (which can be the magnetic core ball as above). Note column 1, lines 19-22.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Solhjell is made of record as disclosing a mouse operated by using magnetic field.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Juliana Kim whose telephone number is (703) 305-4962. The examiner can normally be reached on weekdays from 10:00 a.m. to 3:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Hjerpe, can be reached on (703) 305-4709. The fax phone number for this Group is (703) 308-6606.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.



RICHARD HJERPE
SUPERVISORY PATENT EXAMINER
GROUP 2600

JK
J. Kim
February 27, 1997

**UNITED STATES DEPARTMENT OF COMMERCE****Patent and Trademark Office**Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

Amendment to Paper No. _____

NOTICE OF INFORMAL APPLICATION
(Attachment to Office Action)

This application does not conform with the rules governing applications for the reason(s) checked below. The period within which to correct these requirements and avoid abandonment is set in the accompanying Office action.

A. A new oath or declaration, identifying this application by the application number and filing date is required. The oath or declaration does not comply with 37 CFR 1.63 in that it:

1. does not identify the city and state or foreign country of residence of each inventor.
2. does not identify the citizenship of each inventor.
3. does not state whether the inventor is a sole or joint inventor.
4. does not state that the person making the oath or declaration:
 - a. has reviewed and understands the contents of the specification, including the claims, as amended by any amendment specifically referred to in the oath or declaration.
 - b. believes the named inventor or inventors to be the original and the first inventor or inventors of the subject matter which is claimed and for which a patent is sought.
 - c. acknowledges the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.
5. does not identify the foreign application for patent or inventor's certificate on which priority is claimed pursuant to 37 CFR 1.55, and any foreign application having a filing date before that of the application on which priority is claimed, by specifying the application serial number, country, day, month, and year of its filing.
6. does not state that the person making the oath or declaration acknowledges the duty to disclose information which is material to patentability as defined in 37 CFR 1.56 which became available between the filing date of the prior application and filing date of the continuation-in-part application which discloses and claims subject matter in addition to that disclosed in the prior application (37 CFR 1.63(d)).
7. does not include the date of execution.
8. does not use permanent ink, or its equivalent in quality, as required under 37 CFR 1.52(a).
9. contains non-initialed alterations (See 37 CFR 1.52(c)).

10. Other:

B. Applicant is required to provide:

1. A statement signed by applicant giving his or her complete name. A full name must include at least one given name without abbreviation as required by (37 CFR 1.41(a)).
2. Proof of authority of the legal representative under 37 CFR 1.44.
3. An abstract in compliance with 37 CFR 1.72(b).
4. A statement signed by applicant giving his or her complete post office address (37 CFR 1.33(a)).
5. A copy of the specification written, typed, or printed in permanent ink, or its equivalent in quality as required by 37 CFR 1.52(a).

6. Other: *Figs 1 and 2, interwoven in specification*

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